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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,339	11/12/2003	Ermanno C. Petocchi	A12261	6034

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EXAMINER

KRAUSE, JUSTIN MITCHELL

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 05/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/706,339

Applicant(s)

PETOCCHI ET AL.

Examiner

Justin Krause

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/12/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Elected group 1 and elected species 1 as indicated in the Office Action dated December 27, 2006 are currently pending.

With respect to applicant's arguments that election of species is proper between sets of claims, not drawings in the communication dated March 2, 2006, the examiner disagrees, MPEP 809.02(a) recites:

"Clearly identify each (or in aggravated cases at least exemplary ones) of the disclosed species, to which claims are to be restricted. **The species are preferably identified as the species of figures 1, 2, and 3 or the species of examples I,II, and III, respectively.** In the absence of distinct figures or examples to identify the several species, the mechanical means, the particular material, or other distinguishing characteristic of the species should be stated for each species identified. If the species cannot be conveniently identified, the claims may be grouped in accordance with the species to which they are restricted."

Therefore the identification of species by drawing figure is proper.

The examiner further finds that it would be an undue burden to search all of the disclosed species in a single application.

The Examiner re-iterates that applicant failed to identify any supposed errors in the restriction requirement in the response filed on January 10, 2006 and this election is being treated as an election **without** traverse. (MPEP 818.03(a))

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 41 is described to be in figures 1 and 2 in paragraph 12 or the specification but is not present.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the drive pinion gear with a driven gear, necked down shaft extension, locator ring integrally formed with the motor frame, drive gear, and driven shaft including a shaft extension must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing

figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-10 and 12-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The examiner finds that the claims are unclear and confusing, for instance with regard to the elected species for the following exemplary reasons.

Claim 1 contains limitations drawn to a drive pinion gear having a center line, a driven gear or a necked down shaft extension.

Claim 6 and 13 contain a guide ring integrally formed with the motor frame.

Claim 8 contains a driving gear and a driven shaft with a shaft extension.

These features do not refer to the elected species. This rejection is made to provide applicant the opportunity to appeal this determination of non-readability.

Regarding claims 5-8, "the guide ring" lacks antecedent basis, also in claim 7, "the locating feature" lacks antecedent basis.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-5,7-10, 12 and 14, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Inui et al (US Patent 5,167,465).

Inui discloses a motor mount comprising:

A mounting bracket (101) that can be attached to a machine frame

A locator ring (106) that can be attached to a drive motor front bearing hub, and in alignment with a drive pinion gear centerline the locator ring further being set to a predetermined angle for locating the drive pinion gear with a driven gear

A section of the locator ring including a slot (111) on a pinion centerline arc that can engage a necked down shaft extension on which the driven gear is mounted

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A pin (107) in the locator ring, opposite the slot that ensures the motor is in the correct position on the mounting bracket

An opening (112) in the mounting bracket into which the pin drops when the motor and assembly bracket are coupled.

Regarding claims 2-4, an ear projects from the locator ring in which the slot is located and an ear projects from the locator ring in which the pin is located. Ears are being defined as the area encompassing the slot.

Regarding claims 5 and 7, the guide ring is a separate piece attached to a motor frame, and the locating feature.

Regarding claim 8, Inui discloses a device including a driving gear (108) mounted on a drive shaft selectively driven by a motor and a driven shaft including a shaft extension and on which a driven gear is mounted, a self aligning motor mount comprising:

A locator ring (106)

A motor mounting bracket (101) including an aperture (111) through which the drive shaft and guide ring extend.

First and second ears and a slot on the first ear are present to interact with the driven shaft

A pin (107) positively affixes the motor relative to the motor mounting bracket.

Regarding claim 9 the slot of the first ear comprises a locating feature that engages the driven shaft when the motor is rotated from the initial position in a second direction.

Regarding claim 10, the slot disengages the driven shaft when the motor is rotated back to the initial position.

Regarding claim 12, the locator ring is a separate part that is attached to the motor frame.

Regarding claim 14, the slot is a pilot diameter of the guide ring.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 6 and 13, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Inui et al.

Inui discloses all of the claimed subject matter as described above, but does not disclose the locator ring integral with the motor frame as a single piece.

Since applicant's specification is silent regarding any criticality in making the locator ring integral with the motor frame as a single piece and since the applicants spec does not indicate any problem to be solved by such an arrangement, it would have been obvious to one having ordinary skill in the art at the time the invention was made

to make the locator ring integral with the motor frame as a single piece as a matter of obvious engineering choice. Further it appears that the device of Inui would perform perfectly well with such an arrangement. *In re Larson*, 340 F.2d 965, 968, 144 USPQ 347, 349 (CCPA 1965)

Conclusion

10. Applicant is reminded that if the amendment of any claims results in a change of the species they read upon, that is required to be indicated. In addition, if any new claims are added, it is required that the applicant indicate which of them read on the elected species. Failure to do so will result in a holding of non-responsiveness.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin Krause whose telephone number is 571-272-3012. The examiner can normally be reached on Monday - Friday, 7:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on 571-272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jmk

5/11/06



RICHARD RIDLEY
SUPERVISORY PATENT EXAMINER